amo REPORT

REPORT SERIES 1988

88-5 AMO RESPONSE TO THE REPORT OF THE ADVISORY COMMITTEE ON COUNTY GOVERNMENT: "PATTERNS FOR THE FUTURE"

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO
JUNE, 1988

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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total inter-governmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections:

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural Section (ROMA)
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
* Ontario Municipal Administrators Association
* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario
* Urban Finance Officers Association of Ontario

To the Municipal Clerk:

Please circulate this Report to the members of council and to the staff of your municipality. Additional copies are available at $10.00 each from the Publications Centre, Association of Municipalities of Ontario, 100 University Avenue, Suite 805, Toronto, Ontario, M5J 1V6.

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EXECUTIVE SUMMARY

The following report represents the Association's response to the Report of the Advisory Committee on County Government.

The report of the Advisory Committee on County Government recognized a basic underlying philosophy that county governments are a somewhat outdated municipal institution attempting to cope with the ever-increasing demands of today's society. The report proposes giving counties increased authority to deliver more services while proposing to change the representation on county council as well as the terms of titles of certain positions in an attempt to facilitate such increased authority.

The Association utilized the expertise of its constituent Sections in an attempt to develop a comprehensive response, considering the potential impacts on the different sizes and types of municipalities affected by the report. While not all of the Sections of the Association agree on the final outcome of every recommendation, as reflected in the Section minority positions contained in the appendicies of the report, the Association has adopted what could be considered a consensus response. The Association is in agreement with much of the report, but proposes unique alternatives with respect to representation on county council and county assumption of services such as waste management.

The Association response, on the whole, could be considered a cautious endorsement of the Report of the Advisory Committee on County Government. It identifies the potential trouble spots of the report and proposes certain alternative solutions.

AMO's comments have been submitted to the Minister of Municipal Affairs and the County Government Reform Consultation Committee. This report will assist the Association in terms of future submissions to the Minister and the County Government Reform Consultation Committee and that Committee's findings.

I. INTRODUCTION

County government structures are one of the oldest institutions in Ontario. The formation, structure and delineation of counties in Ontario tells us much about our history, heritage and development as a Province. The impact of the original British settlers in Ontario is still felt to this day as the structure set up in the 1700's and 1800's attempts to cope with new and changing demands of today's society.

The first formalized counties were set up in 1792 by Lieutenant Governor Simcoe. In this year, 19 counties were created for the purposes of organizing units for the militia and for electing members to the newly constituted Legislative Assembly while the provision of municipal services were left at the local, or town level.[1]

The Municipal Corporation Act of 1849, more commonly known as the Baldwin Act, established counties as units of local government and established provisions for the composition and responsibilities of county councils. Counties had responsibilities for certain roads and bridges, the county court house and jail, maintenance of shire halls, certain licensing powers and assistance for students attending post secondary institutions.[2] As well, a basic representation formula for counties was established under the Act, much of which has remained intact to this day.

Although there have been changes to the responsibilities and functions of counties over the approximately 140 years since the Baldwin Act was introduced, many of these changes have been dealt with on a gradual or ad-hoc basis across the Province. It is extremely clear that with the increased urbanization which has occurred over the past 40 years as a result of greater mobility, that the demands and expectations of today's society have created a need for the development of many new services. Because counties offer economies of scale for the provision of certain types of services to large numbers of people covering greater areas, counties may be the most efficient bodies to offer such services.

Throughout the 1950's, 1960's and 1970's, it was the occurrence of urban growth combined with increasing expectations and recognition of economies of scale that resulted in the creation of 10 regional governments, one restructured county and, of course, the creation of Metropolitan Toronto. Regional government spun out of the original county system and each region has its own legislation with somewhat different responsibilities and electoral processes for each.

Today there are 26 counties in Ontario which contain approximately 1.4 million people and 504 constituent municipalities.[3] In 1988, counties are involved, to varying degrees, in such matters as land use planning, libraries, social service delivery, economic development, building inspection services, recreation and waste management. As counties have become more populous with more urban areas and as they have become involved in larger, more long-term and more controversial issues, there has been a

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1 Report of the Advisory Association on County Government

2 Ibid

3 Ibid

involved in larger, more long-term and more controversial issues, there has been a recognition within many counties themselves and within the provincial government, of a need for a change.

It is this realization which, for the most part, led to the Honourable Bernard Grandmaitre, then Minister of Municipal Affairs, announcing in a statement to the Legislature on February 10, 1987, the formation of an Advisory Committee on County Government. Mr. Grandmaitre made the following statement with respect to this Committee:

> "This responds to changing conditions which suggest it is time to review the capacity of county government to deal with important service issues.
>
> Counties themselves recognize the need to consider additional responsibility for waste management, emergency planning, economic development, building code enforcement and other functions. In addition, counties may be the key to effective delivery of social services such as child care and senior services.
>
> County councils are a valuable institution in Ontario dating back more than a century. I expect them to continue on into the next century. But we must look and see if this vital part of the political fabric of Ontario can be improved and made stronger to meet the challenges it will face in the future."

As the Committee met and considered both representation and functional issues, it attempted to ensure the efficient and effective operation of county government both in terms of delivery of services and a representative and accountable system of government.

In February, 1988, the Report of the Advisory Committee on County Government entitled, "Patterns for the Future" was released by the Honourable John Eakins, Minister of Municipal Affairs. The purpose of this report is to offer the views of the Association of Municipalities of Ontario, and its constituent Sections, in the form of a response to the Report of the Advisory Committee on County Government: Patterns for the Future.

Through the examination of past Association policy positions and the current relevancy of these positions related to county government, the Association has attempted to achieve a consensus of opinion amongst its various affected Section Executive Committees: the County and Regional Section, the Large Urban Section, the Rural Section (ROMA) and the Small Urban Section (OSUM). In offering comments on this report, the Association has attempted to recommend a fair and equitable system of representation and delivery of services which will be of most benefit to those citizens living within counties in Ontario.

II. BACKGROUND

The Association has been commenting on various matters related to county government for some time. The Association, as a result of the activity of its County and Regional Section Executive Committee, forwarded a number of communications with respect to issues and items related to county government throughout the 1980's.

In 1983 and again in 1985, the Association requested that the Municipal Act be amended to permit counties to become involved in the study and establishment of waste management systems as well as the implementation of collection and disposal systems. In 1983 and again in 1986, the Association forwarded a request that county government should be included in the definition of "municipality" so that it may become involved in emergency planning and the provision of services. In 1985, the Association forwarded a position recommending that children's aid societies be restructured directly under the jurisdiction of second tier municipal government. In 1983 and again in 1986, the Association once again requested permissive legislation to provide for election of warden by secret ballot and the elimination of multiple votes for such an election. In addition to this, the Association forwarded positions requesting changes to the composition of county council including raising the level at which there should be entitlement to a second county representative.

It may very well be that these communications, along with many communications from counties themselves, alerted the then Minister of Municipal Affairs to the fact that there is a strong desire within many counties to review the representation structure or to perhaps become involved in the provision of more services. On February 10, 1987, when the former Minister of Municipal Affairs, the Honourable Bernard Grandmaitre announced the formation of the Advisory Committee on County Government, many of these items, previously flagged by the Association as issues requiring review, were included as part of the terms of reference of the Committee.

On February 1st, 1988 the Honourable John Eakins, Minister of Municipal Affairs released the "Report of the Advisory Committee on County Government: Patterns for the Future". Copies were sent to the heads of all county councils, all municipalities within counties and all separated municipal councils.

One week later, on February 8, 1988 while addressing the Annual Conference of the Rural Section (ROMA) of AMO, the Honourable John Eakins made the following announcement which was also contained in a News Release dated February 8, 1988:

> "I've given careful thought to the Committee's findings and recommendations; and it's clear to me that we should aim at the highest degree of province-wide consensus on the kind of county government that our people want."

The Minister said he hoped to achieve this consensus by putting together a task force-- composed of members of the provincial legislature -- to travel to all parts of the province within the county government system, discussing the report directly with councils and interested individuals.

Task force members will include Charlie Tatham, MPP for Oxford, who will chair the group; John Cleary, MPP for Cornwall; Joan Fawcett, MPP for Northumberland; Ron Lipsett, MPP for Grey; Keith MacDonald, MPP for Prince Edward-Lennox; Jean Poirier,

MPP for Prescott and Russell; Mike Ray, MPP for Windsor-Walkerville; and David Smith, MPP for Lambton.

Among the recommendations of the Advisory Committee on County Government was the suggestion that further study be undertaken of certain aspects of the county system that were outside the Committee's mandate. These include problems related to smaller and separated municipalities.

The new task force is being asked to look at these issues as well as specific problems related to individual counties.

Ultimately, the task force will be asked to report on the responses of communities to the reforms proposed by the advisory committee, and respond to the other issues raised by the Committee.

In reviewing a copy of Terms of Reference for the Provincial Task Force, whose title has since been changed to the "County Government Reform Consultation Committee", this group is to report their findings and recommendations to the Minister by December 31, 1988. The terms of reference of the County Government Reform Consultation Committee also includes the following statement:

> "The Consultation Committee will provide advice in the form of findings and recommendations to the Minister for his consideration in putting forward proposals for government policy to his cabinet colleagues. A public statement of the government policy would then be made in such form or a white paper or a first reading bill".

Process For AMO Response

The Association of Municipalities of Ontario, in an attempt to prepare a response to the Report of the Advisory Committee on County Government, put together a Joint Section Committee on County Government which included representatives from the Association's four affected Section Executive Committees. The Committee was made up of individuals from each of the County and Regional Section, the Large Urban Section, the Rural Section (ROMA) and the Small Urban Section (OSUM). (Membership is outlined in Appendix A of the report).

The Joint Section Committee on County Government met on numerous occasions and reviewed all of the recommendations of the Report of the Advisory Committee on County Government prior to forwarding a report to the AMO Board of Directors. The response was considered by the AMO Board of Directors and each of the recommendations shown in this report are the result of majority votes taken by the AMO Board of Directors. Each of the Sections of the Association have strong views on the recommendations of the report and while the AMO Board of Directors attempted to accommodate many of these views, certain Sections maintain minority positions and these are outlined in the appendices of the report.

In addition, the AMO Joint Section Committee on County Government met with the County Government Reform Consultation Committee on April 13, 1988 in an effort to hold an informal preliminary discussion with the Association on some of the more contentious issues contained within the report. The Joint Section Committee appreciated this opportunity to meet and it was indicated that such a meeting may take place again

once the County Reform Consultation Committee has completed the consultation aspect of their activities. The Joint Section Committee of the Association would be pleased to engage in further discussions at that time and will be interested in reviewing draft legislation once it has been prepared.

AMO RESPONSE TO RECOMMENDATIONS OF THE REPORT OF THE ADVISORY COMMITTEE ON COUNTY GOVERNMENT

III. REPRESENTATION ISSUES

1. **THE MINISTER CONDUCT A REVIEW OF VERY SMALL MUNICIPALITIES AND SEPARATED MUNICIPALITIES.**

AMO Position

The Association is in favour of such a review but would recommend that it not be included as part of the review of the entire Report of the Advisory Committee on County Government.

The process of dealing with this recommendation was addressed by the Association of Municipalities of Ontario in a letter dated March 21, 1988 in which the Association requested that this particular recommendation be considered as a separate and distinct issue from the rest of the report.

In this communication, the Association stressed the need to look at the problems brought about by smaller and separated municipalities as well as problems which exist in individual counties. However, the Association questions the need to examine these issues along with the many other recommendations of the report. Concern was expressed that the review of localized concerns around the Province could serve to disrupt the consideration of the many more urgent matters addressed in the report.

2. **THE MUNICIPAL ACT BE AMENDED TO SPECIFY THAT ALL HEADS OF COUNCIL BE MEMBERS OF COUNTY COUNCIL.**

AMO Position

The Association is supportive of this recommendation as amended to read as follows:

The Municipal Act be amended to require heads of urban councils to be members of county council and that the head of council be permitted to delegate this responsibility.

In a communication dated November 18, 1986 to the then Minister of Municipal Affairs, the Honourable Bernard Grandmaitre, it was indicated that the Association felt that it is important that all heads of all local councils serve on county council. That same communication included a minority position from the Small Urban Section of AMO indicating that Section's opposition to such a recommendation. This was based on the opinion that such a requirement would result in the need for full time mayors of towns and cities and that this would prohibit many qualified candidates from running for the position of mayor.

The Association continues to be of the view that heads of councils should be required to be members of county council. However, in recognizing the divergent views among certain member municipalities of AMO, the Association agrees that county council could be considered to be an additional burden upon the mayor of an urban municipality. The Association would therefore support giving the head of council of such municipalities the opportunity to delegate the responsibility of serving on county council to another member of council.

The Association believes that as county councils begin to take on increased authority as proposed throughout the report of the Advisory Committee, more mayors of urban municipalities within the county structure will recognize the value of participating at the county level.

3. **THE POSITIONS OF REEVE AND DEPUTY REEVE BE ABOLISHED IN TOWNS, AND THAT WHERE A TOWN IS ENTITLED TO A SECOND COUNTY COUNCIL REPRESENTATIVE, THE POSITION BE ENTITLED "LOCAL/COUNTY COUNCILLOR".**

AMO Position

The Association supports this recommendation.

The Association is in agreement with this recommendation in that the public is, for the most part, unaware of what the titles of "reeve" and "deputy reeve" actually mean. In addition, people are also unaware of the difference in responsibilities of the two positions. Making reference to a local/county councillor within town structures, will allow for a clearer understanding of the role of these positions by the public.

4. **THE MUNICIPAL ACT BE AMENDED TO CHANGE TITLES AS FOLLOWS:**

   A) **ALL HEADS OF LOCAL MUNICIPAL COUNCILS HAVE THE TITLE OF MAYOR;**

   B) **THE TITLES OF REEVE AND DEPUTY REEVE BE ELIMINATED FROM THE ACT; AND WHERE THE MUNICIPALITY QUALIFIES FOR AN ADDITIONAL COUNTY COUNCIL MEMBER, THAT POSITION HAVE THE TITLE OF LOCAL/COUNTY COUNCILLOR;**

   C) **THE HEAD OF COUNTY COUNCIL HAVE THE TITLE OF COUNTY CHAIRMAN.**

AMO Position

The Association would support recommendation 4(a), (b) and (c).

The Association is supportive of the proposal to eliminate the titles of reeve and deputy reeve from the Municipal Act for the reason recommended in the previous recommendation. Given the need for better public understanding, it therefore stands to reason that all heads of local municipal councils be given the title of "mayor". The public has a very clear understanding of the role of a "mayor"

within a community and this would be a positive step towards eliminating some confusion that may exist with respect to municipal government.

For similar reasons, the Association is supportive of the proposed change to the title of the head of county council. The Association appreciates that the title of "county chairman" would clarify the role of what is now called "warden", and would eliminate the use of this outdated and often confusing term.

5. **PROVISIONS PERMITTING ELECTION OF THE HEAD OF COUNTY COUNCIL BY SECRET BALLOT, AS INCLUDED IN BILL 97 IN THE SPRING 1987 SESSION OF THE LEGISLATURE, BE REINTRODUCED AS SOON AS POSSIBLE.**

AMO Position

The Association supports this recommendation.

The Association is on record with the Ministry of Municipal Affairs as being supportive of this Bill which was re-introduced into the Legislature as Bill 59: An Act To Amend The Municipal Act And Certain Other Acts Related to Municipalities, on December 17th, 1987. The Association continues to support permissive authority to elect the head of county council by secret ballot and would urge that the Bill move quickly towards Royal Assent.

6. **THE MUNICIPAL ACT BE AMENDED TO CLEARLY STATE THAT A HEAD OF COUNTY COUNCIL CAN BE REELECTED TO ADDITIONAL TERMS.**

AMO Position

The Association supports this recommendation.

The Association would agree that it is perceived, and that a strong tradition exists, that county wardens can/should only serve for a one year term. In addition, there is a perception that many different county councillors should be permitted the opportunity of being the head of county council at some point in their political career.

It is clear that in many counties, not many councillors would have the time to donate to the position of warden for more than one year at a time. However, given the workload, the need for continuity and the increasing involvement by counties in more long term issues, the Association is in agreement that the Municipal Act should clearly state that the head of county council is permitted to be re-elected to additional terms. This should serve to clarify that the position of the head of county council is not merely a one year rotational, ever changing position.

7. **THE MUNICIPAL ACT BE AMENDED TO ALLOW COUNTY COUNCILS TO ADOPT, BY BY-LAW, A ONE-YEAR, TWO-YEAR OR THREE-YEAR TERM FOR THE HEAD OF COUNTY COUNCIL, PROVIDED THAT THE TERM DOES NOT GO BEYOND THE TERM OF COUNCIL.**

AMO Position

The Association is supportive of this recommendation as amended to read as follows:

The Municipal Act be amended to allow county council to adopt, by by-law, a one year or three year term for the head of county council, provided that the term does not go beyond the term of council.

As referred to in recommendation #6, the Association feels that counties are continuing to become involved in more long range issues which may require the benefit of more than one year of experience. In addition, many of the recommendations of the Advisory Committee report advocate permissive authority for counties to become involved in a greater number of services. With respect to possible county involvement in the issue of waste management, for example, it is clear that a county would benefit from the term of the head of county council being longer than one year, given the lengthy series of studies and approvals usually required for such endeavours.

However, the Association does not support the introduction of a possible two year term for the head of county council. The Association is of the view that a two year term would serve to confuse matters, and that if the head of county council is required to serve a longer term than one year, the three year term will be more effective and easier to administer.

8. **THE MUNICIPAL ACT BE AMENDED TO CLEARLY PROHIBIT SUBSTITUTION ON COUNTY COUNCIL.**

AMO Position

The Association would concur with the recommendation to eliminate this provision of the Act which would serve to make county government consistent with other levels of government in prohibiting substitution.

Townships and villages are currently permitted to appoint substitutes in the place of the head of council to serve on county council under the Municipal Act. The Association would agree with the concerns expressed in the report that this is a potentially hazardous provision. Changing representatives on county council allows for many potential inconsistencies both in terms of representing the local municipality and in terms of different input being offered at the county level as a result of differing personal views.

9. **THE MUNICIPAL ACT BE AMENDED TO PROVIDE FOR COUNTY COUNCIL COMPOSITION AND REPRESENTATION AS FOLLOWS:**

COUNTY COUNCIL WILL BE COMPOSED OF THE HEADS OF COUNCIL OF ALL LOCAL MUNICIPALITIES, NOT BEING SEPARATED MUNICIPALITIES, OF THE COUNTY, AND;

A) A LOCAL MUNICIPALITY MUST HAVE AT LEAST 2,500 ELECTORS FOR ENTITLEMENT TO A SECOND COUNTY COUNCILLOR OR A

SECOND VOTE, AND WILL USE MULTIPLES OF 2,500 TO DETERMINE ENTITLEMENT TO ADDITIONAL COUNTY COUNCIL REPRESENTATIVES AND/OR ADDITIONAL VOTES.

AMO Position

The Association recommends that recommendation 9(A) of the Report of the Advisory Committee on County Government be amended to read as follows:

County council will be composed of the heads of council of all local municipalities, not being separated municipalities, of the county, and;

(a) A local municipality must have at least 2500 electors for entitlement to a second county councillor or a second vote, and will use multiples of 2500 to determine entitlement to additional votes.

In considering this recommendation, the Association attempted to resolve the often conflicting objectives of trying to attempt to reach a workable and fair formula of representation by population while maintaining a reasonably sized county council.

The Association, in attempting to resolve the minimum number of electors required for a second representative on county council, felt that the number of 2500, as recommended by the Advisory Committee on County Government, was an appropriate and adequate number. By raising the number for a second representative from 1000 to 2500, councils could perhaps be retained at a reasonable size which may lead to greater efficiency. In addition, such a move would perhaps lead to more equitable representation by population, particularly in those counties with towns or cities represented on county council.

The second part of the recommendation recommends that local municipalities would be entitled to additional county council representatives and/or additional votes based on multiples of 2500. While the Association agrees with the number of 2500, the Association does not support the addition of further local municipal representatives to county council beyond a maximum of 2. The Association would, however, support the concept of entitlement to additional votes for municipalities based on multiples of 2500 for entitlement beyond the 2nd representative. The Association believes that by granting additional votes based on further multiples of 2500, it realizes the important goal of maintaining a workable sized county council. It is felt that by taking this particular course, the appropriate balance between representation by population and a reasonably sized county council can be attained.

10. **NOTWITHSTANDING 9(A), COUNTY COUNCIL MAY ADOPT 5,000 ELECTORS, OR 7,500 ELECTORS, OR 10,000 ELECTORS AS THE BASE FOR ENTITLEMENT TO A SECOND COUNTY COUNCIL REPRESENTATIVE OR A SECOND VOTE; AND WILL USE MULTIPLES OF THE BASE NUMBER OF ELECTORS TO DETERMINE ENTITLEMENT TO ADDITIONAL COUNTY COUNCIL REPRESENTATIVES AND/OR ADDITIONAL VOTES.**

AMO Position

The Association does not support this recommendation.

This recommendation would allow individual counties, to adopt higher elector levels as a base for entitlement to a second representative on county council. The Association recognizes that the Advisory Committee, in forwarding the recommendations, was attempting to accommodate the vast range of population differences that exist in counties around the Province.

The Association is of the opinion that by permitting counties to go to a higher level of electors in order to get a second vote (or representative) on county council, larger communities will be inadequately represented on county council vis a vis the very small communities who will be entitled to one representative/-vote in any case. Therefore if counties move to higher elector levels for a second representative/vote, they then move farther away from the principle of representation by population. The Association feels strongly that some form of representation by population is the most democratic system of representation. Given that this recommendation would allow counties to move away from the concept of representation by population, the Association cannot support this recommendation.

11. **ANY CHANGES TO THE REPRESENTATION SYSTEM MUST BE MADE BEFORE JUNE 1 IN AN ELECTION YEAR.**

AMO Position

The Association supports this recommendation as amended as follows:

Any changes to the representation system or to the term of the head of county council must be made before June 1 in an election year.

The Association agrees that in order to effectively organize to implement an election system and in order that all regulations can be clearly understood by those intending to seek election, any and all changes to the system of representation on county council must be implemented by June 1 of the election year.

In addition, the Association is of the view that any change to the term of warden must be made early enough so that the public and potential candidates can be made adequately aware of such a change.

IV. ON FUNCTIONS

COUNTY POWERS

12. **COUNTIES BE REQUIRED, AND NO LOCAL MUNICIPALITY IN A COUNTY BE PERMITTED, TO PROVIDE HOMES FOR THE AGED, ADMINISTER GENERAL WELFARE ASSISTANCE AND OPERATE A COUNTY ROAD SYSTEM.**

AMO Position

The Association supports this recommendation.

The Association supports this recommendation on the basis that the provision of these particular services are logically delivered on a large area-wide basis given the economies of scale associated with county delivery. Given that the Provincial-Municipal Social Services Review is currently examining whether General Welfare Assistance will remain a municipal responsibility, the Association would advise that counties are the appropriate municipal delivery agent, should municipal involvement be continued. It stands to reason that if counties are deemed to be the delivery agents, that in order to avoid duplication and other difficulties, no local municipalities within a county should be permitted to provide these particular services.

In addition, since the vast majority of counties already provide all of these services, there would be no difficulty in specifically requiring the provision of these services at the county level.

13. **COUNTIES BE PROVIDED WITH PERMISSIVE AUTHORITY TO ASSUME ANY LOCAL MUNICIPAL FUNCTION THE COUNTY DOES NOT CURRENTLY PERFORM, OR DISCONTINUE PROVIDING A DISCRETIONARY SERVICE THEY DO PERFORM, WHERE THERE IS A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES; AND THAT**

A) **IF COUNTY COUNCIL APPROVES ASSUMPTION OF RESPONSIBILITY FOR A SERVICE, THAT ALL LOCAL MUNICIPALITIES SHALL PAY THEIR SHARE OF THE COUNTY LEVY FOR THAT SERVICE.**

B) **NOTWITHSTANDING 13(A), ONE OR MORE LOCAL MUNICIPALITIES MAY BE EXEMPTED FROM THE COUNTY'S JURISDICTION AND LEVY FOR THE SERVICE IF THERE IS A TWO-THIRDS VOTE OF THE COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES.**

AMO Position

The Association supports this recommendation as amended to read as follows:

Counties be provided with permissive authority to assume, on a contractual basis, any local municipal function the county does not currently perform, or discontinue providing a discretionary service they do perform, where there is a two-thirds vote of county council representing a majority of the local municipalities; and that

a) If county council approves assumption of responsibility for a service, that all local municipalities shall pay their share of the county levy for that service

b) Notwithstanding 13(A), one or more local municipalities may be exempted from the county's jurisdiction and levy for the service if there is a two-thirds vote of the county council representing a majority of the local municipalities

c) The Province set up a mechanism to assist local municipalities and counties to arrive at the terms and conditions for transferring assets and liabilities related to the service

The Association endorses the concept of permissive authority for a county to enter into the provision of a service currently provided at the local level with a two-thirds vote of county council representing a majority of local municipalities. However, the Association is of the view that by stipulating the need for a contractual arrangement, local municipalities that currently provide the service which is being assumed by the county must agree to the provision of this service at the county level.

Such a contractual agreement will, by necessity, spell out local municipal payment for such a service. As referred to in 13(A), the need for local municipalities to pay their share of the county levy for the service will serve as a logical financial basis with which to enter into a contract agreement.

The Association is of the view that, despite the fact that a contractual agreement will have to be reached between the county and the local municipality with respect to county assumption of a service, counties could make use of recommendation 13(B) to exempt one or more local municipalities from the pursuit of a contract arrangement. For example, should a local municipality not wish to enter into a contractual arrangement to transfer the provision of a service to the county level, and should the county agree that attempting to pursue a contract to provide such a service to that particular municipality is unnecessary or undesirable, county councils may therefore decide to exempt local municipalities by way of a two-thirds vote representing a majority of local municipalities.

With respect to the insertion of 13(C), the Association is of the view that while a mechanism has been proposed to assist the local and county municipality to transfer assets and liabilities under that section of the report which relates to waste management, a similar mechanism should exist with respect to the transfer of other services as well.

14. **THE MINISTER OF MUNICIPAL AFFAIRS REVIEW EXISTING LEGISLATIVE PROVISIONS THAT PROVIDE POWERS SPECIFIC TO COUNTIES, AND REPEAL THOSE WHICH ARE FOUND TO BE OBSOLETE.**

AMO Position

The Association endorses this recommendation.

The Association endorses the need to review existing legislation with a view to eliminating those provisions which are no longer made use of by counties.

15. **COUNTIES BE AUTHORIZED TO ENTER INTO AGREEMENTS WITH ANY OTHER MUNICIPALITY, OR LOCAL BOARD OR COMMISSION, ON ANY MUNICIPAL FUNCTION.**

AMO Position

The Association endorses the recommendation as amended to read as follows:

Counties be authorized to enter into mutual agreements with any other municipality, or local board or commission, on any municipal function.

The Association recognizes the need for inter-municipal agreements from time to time on certain issues. Such agreements allow for flexibility and can often fill the gaps between exclusively local and exclusively county services. Given that a small group of municipalities only, may wish to become involved in the provision of a particular service, it seems appropriate that allowing the county to enter into agreements with the local municipality(ies) may lead to more efficient delivery of a service while allowing for individual local circumstances.

The Association is supportive of this recommendation provided that it is clearly stated that such agreements shall only be entered into with the mutual consent of each party.

SPECIAL PURPOSE BODIES

16. **EXISTING LEGISLATION RESPECTING DISCRETIONARY COUNTY SPECIAL PURPOSE BODIES BE AMENDED TO STRENGTHEN THE CONTROL OF COUNTY COUNCILS OVER THEIR SPECIAL PURPOSE BODIES BY:**

A) **ALLOWING COUNTY COUNCILS COMPLETE DISCRETION IN APPOINTING COUNCIL AND/OR CITIZEN MEMBERS TO SPECIAL PURPOSE BODIES, WITH TERMS OF OFFICE NOT TO EXCEED THE TERM OF COUNCIL;**

B) **REQUIRING COUNTY COUNCIL APPROVAL OF THE BUDGETS OF SPECIAL PURPOSE BODIES;**

C) **REQUIRING SPECIAL PURPOSE BODIES TO MAKE AN ANNUAL REPORT TO COUNTY COUNCIL, AND TO REPORT AT SUCH OTHER TIMES AS COUNCIL MAY REQUIRE;**

D) **REQUIRING COUNTY COUNCIL APPROVAL OF ALL BORROWING AND CAPITAL ASSET ACQUISITIONS OF SPECIAL PURPOSE BODIES;**

E) **REQUIRING THAT ALL STAFF OF SPECIAL PURPOSE BODIES BE EMPLOYEES OF THE COUNTY.**

AMO Position

The Association endorses the recommendation with the deletion of 16(E)

The Association has, over the years, considered many resolutions from municipalities which have expressed various types of difficulties with respect to particular types of special purpose bodies. In a report of the Association from January, 1980, entitled, "Special Purpose Boards and Commissions", the Association stated:

> "The Association is concerned that the existence of many special purpose boards and commissions reduces the ability of municipal councils to establish councils priorities and to control municipal expenditures. Also, municipal councils often have difficulty directing or even influencing the policies and programs of special purpose bodies".

Clearly, municipalities have long been concerned about the lack of control over special purpose bodies and the lack of accountability of special purpose bodies themselves.

The Association is supportive of the directions outlined in this recommendation which serves to strengthen control of councils over special purpose bodies. By addressing the authority to appoint members to special purpose bodies, requiring council approval of budgets of special purpose bodies, requiring the submission of annual reports to council and requiring county approval of borrowing and acquisitions of special purpose bodies, many of the causes of municipal concern are addressed.

The Association is not in agreement with the proposal to require all staff of special purpose bodies to be county employees. The Association recognizes that county employees are, for the most part, unionized, and that requiring all staff of special purpose bodies to be employees of the county would very likely result in increased costs to operate the same services.

17. **THE STATUTORY REQUIREMENT FOR A COUNTY ROAD SYSTEM TO BE MANAGED BY A COUNTY ROAD COMMITTEE BE REPEALED AND THAT COUNTIES BE PERMITTED TO ESTABLISH THE COMMITTEE SYSTEM THEY DEEM APPROPRIATE.**

AMO Position

The Association is supportive of this recommendation.

The Association has, at various times over the past few years, advocated the amendment of the Public Transportation and Highway Improvement Act so as to permit county councils themselves, "to determine the qualifications and numbers of members of their county roads committees."

On February 12, 1987, the Honourable Ed Fulton, Minister of Transportation introduced Bill 211: An Act to amend the Public Transportation and Highway Improvement Act which proposed to give county councils the opportunity to act as a committee of the whole or to appoint a number of county residents to such a committee. In addition, the Bill proposed giving counties the authority to regulate terms of office, reappointments and removal from office as well as the authority to assign appropriate powers. The Association, in a letter dated March 31, 1987 to the Honourable Ed Fulton, Minister of Transportation and Communications expressed general support for this legislation but recommended that a section of the Bill referring to staggered terms for appointments on county roads committees, as well as the possibility of appointing non-council members, be deleted from the Bill.

In short, since many counties spend a larger share of dollars on roads than on any other function, the Association supports permitting counties to establish the committee system they feel is most appropriate.

18. **COUNTY COUNCILS BE GIVEN AUTHORITY TO:**

A) DISSOLVE A SUBURBAN ROADS COMMISSION WHERE THE SEPARATED MUNICIPALITY AND THE COUNTY AGREE TO THE DISSOLUTION, AND;

B) ASSUME THE RESPONSIBILITIES OF THE SUBURBAN ROADS COMMISSION, WITH A COST-SHARING AGREEMENT TO BE DETERMINED BY THE COUNTY AND THE SEPARATED MUNICIPALITY.

<u>AMO Position</u>

The Association would support the recommendation as amended:

County councils be given authority to:

a) Dissolve a suburban roads commission where the separated municipality and the county mutually agree to the dissolution, and

b) Assume the responsibilities of the suburban roads commission with a cost-sharing agreement to be determined by the county and the separated municipality.

Suburban roads commissions were first formed as a mechanism to manage the main farm to market road system in counties where separated cities exist. 16 of the 17 counties in Ontario which contain a separated city, currently operate suburban roads commissions.

In AMO's 1980 report entitled, Special Purpose Boards and Commissions, the Association suggested that the initial urban/rural interdependencies which led to

the formation of such commissions no longer exists and, for this reason, along with the lack of accountability to the electorate which can occur with such commissions, suburban roads commissions should be phased out. In the 1980 report, the Association suggested alternate ways of managing such roads.

In response to the recommendations of the Advisory Committee on County Government, the Association sees no reason that, in cases where the separated municipality and the county mutually agree to dissolve a suburban roads commission, that they should not be able to do so. It follows that, should a county and a separated city agree to dissolution, that they should be able to work out a cost sharing agreement between the two municipalities which would adequately address the local situation.

19. **COUNTIES BE AUTHORIZED TO ASSUME RESPONSIBILITY FOR MANAGING COUNTY HOMES FOR THE AGED, EXCEPT FOR JOINT HOMES, AND THAT JOINT HOME COMMITTEES OF MANAGEMENT BE DISSOLVED WHERE THE COUNTY AND THE SEPARATED MUNICIPALITY AGREE, AND BE REPLACED WITH A JOINT COMMITTEE COMPOSED OF MEMBERS OF THE COUNCILS OF THE COUNTY AND SEPARATED MUNICIPALITY.**

AMO Position

The Association is supportive of this recommendation.

The Association is supportive of the recommendation which would eliminate the prescribed membership of homes for the aged management committees and allow for a certain amount of flexibility in terms of appointments. This flexibility would also serve to facilitate improved co-operation and may accommodate individual county differences thereby resulting in a more directly beneficial arrangement.

20. **COUNTY COUNCILS BE AUTHORIZED TO ASSUME DIRECT RESPONSIBILITY FOR THE MANAGEMENT AND CONTROL OF A COUNTY LIBRARY SYSTEM, PROVIDING THE COUNTY ESTABLISHES AN ADVISORY COMMITTEE OF ELECTED AND CITIZEN MEMBERS TO PROVIDE ADVICE TO COUNTY COUNCIL ON LIBRARY MATTERS.**

AMO Position

The Association supports this recommendation as amended to read:

County councils be authorized to assume direct responsibility for the management and control of a county library system

The Association recognizes that this recommendation is consistent with past AMO policy with respect to special purpose bodies as expressed with respect to recommendation 16. For the purposes of accountability and financial control, the Association is of the view that county council itself is in the best position to manage and control the library system. In addition, it is apparent that individual counties may decide to deal with management responsibilities in different ways and, for this reason, the Association does not support the part of the

recommendation which establishes the role and composition of an advisory committee.

21. **COUNTIES WITH HEALTH UNITS SERVING ONLY THE COUNTY AREA BE DEEMED TO BE BOARDS OF HEALTH, WITH ALL THE POWERS, RIGHTS AND DUTIES OF A BOARD OF HEALTH UNDER THE HEALTH PROTECTION ACT, 1983 OR OTHER LEGISLATION.**

AMO Position

The Association supports this recommendation on the condition that the existing level of provincial funding is maintained.

This recommendation deals with counties with health units serving the same geographic area as the county. There are only two of these in Ontario; Huron and Bruce County. Both of these counties have requested that they be given permissive authority to assume the responsibility to deliver health services as a direct county function.

The Association maintains the view that counties can directly administer this function while avoiding poor reporting relationships, higher than necessary spending, lack of accountability and other difficulties frequently voiced with respect to the operation of special purpose bodies.

The Association would like to emphasize that several of its members expressed concern that there could possibly be a reduction of provincial health funding if counties directly assume the responsibility to deliver health services. The Association would stress that it is supportive of this recommendation on the condition that the existing level of funding is maintained.

22. **THE SEVEN COUNTIES WITHOUT SEPARATED MUNICIPALITIES BE AUTHORIZED TO ESTABLISH COUNTY HEALTH SERVICES, AND THAT,**

A) WHERE SUCH A SERVICE IS ESTABLISHED, COUNTY COUNCIL SHALL BE DEEMED TO BE THE BOARD OF HEALTH,

B) WHERE SUCH A SERVICE IS NOT ESTABLISHED, A JOINT COMMITTEE OF THE COUNTY COUNCILS BE ESTABLISHED TO OVERSEE THE MANAGEMENT OF PUBLIC HEALTH SERVICES.

AMO Position

The Association endorses this recommendation on the condition that the existing level of provincial funding is maintained.

There are seven counties without separated municipalities and each of these counties have a Board of Health which covers more than one county. The Association is supportive of the proposals to authorize counties without separated municipalities to establish county health services. The Association is also supportive of the establishment of either county council, or a committee of more than one county council, to manage public health services.

23. **COUNTIES PARTICIPATING ON A BOARD OF HEALTH WITH ONE OR MORE SEPARATED MUNICIPALITIES, WHERE THE COUNCILS AGREE, BE AUTHORIZED TO REPLACE THE BOARD OF HEALTH WITH A JOINT COMMITTEE OF THE TWO OR MORE COUNCILS TO OVERSEE THE MANAGEMENT OF PUBLIC HEALTH SERVICES.**

AMO Position

The Association endorses this recommendation on the condition that the existing level of funding is maintained.

The Association has similar comments with respect to this recommendation as it has with recommendation 21 and 22. The establishment of a joint committee of two or more municipal councils currently participating on a board of health to manage the provision of public health services results in the same degree of municipal control. The Association is supportive of this recommendation on the condition that the existing level of funding is maintained.

24. **WHERE HEALTH SERVICE IS ASSUMED BY A COUNTY, IT SHALL BE DEEMED TO BE A CORE COUNTY FUNCTION.**

AMO Position

The Association supports this recommendation.

The Association supports the provision of health service as a core county function given the rationale outlined in recommendations 21, 22 and 23, and given the condition that provincial funding is maintained at current levels.

25. **COUNTIES BE PERMITTED TO ASSUME THE RESPONSIBILITIES OF CHILDREN'S AID SOCIETIES AND INTEGRATE THESE RESPONSIBILITIES WITH COUNTY SOCIAL SERVICES.**

AMO Position

The Association is supportive of this recommendation.

In a letter dated July 25, 1985, to the Honourable John Sweeney, Minister of Community and Social Services, the Association indicated that because children's aid societies are publicly funded and have a low proportion of elected representatives on their boards of directors, and because present day circumstances warrant a higher degree of accountability in the provision of this particular service, that the province consider structuring children's aid societies under the direct jurisdiction of second tier municipalities.

Where municipalities comprising county council agree that there is an advantage to integrating this service with county social services, the Association agrees that they should be able to do so. The Association would point out that while the service provided here is different than that provided by library boards, the theory behind integrating special purpose bodies directly with municipal operation remains. In addition, children's aid services tend to be extremely costly and

bear direct relationship to other services provided by the county, eg. welfare services.

26. **WHERE A COUNTY AND SEPARATED MUNICIPALITY HAVE JOINT SOCIAL SERVICES, THE SEPARATED MUNICIPALITY HAVE THE CHOICE OF:**

A) ASSUMING AND INTEGRATING CAS RESPONSIBILITY JOINTLY WITH THE COUNTY;

B) ASSUMING CAS RESPONSIBILITY DIRECTLY FOR THE CITY JURISDICTION ONLY;

C) CONTINUING CAS PROVISION OF SERVICES FOR THE CITY JURISDICTION ONLY.

AMO Position

The Association supports this recommendation with the deletion of 26(B) and (C).

The Association recognizes that where social services are provided on a joint basis between counties and their separated municipalities, a special arrangement between the two municipalities will have to be mutually agreed to.

However, for the purposes of consistency and administrative ease, the county and the separated municipalities who have joint social services should either integrate Children's Aid Societies with the county or retain the status quo. The Association believes that the options outlined in (B) and (C) are unnecessary and will serve to fracture existing social service arrangements in such shared situations.

27. **THOSE CHILDREN'S AID SOCIETIES WHICH ARE NOT INTEGRATED WITH MUNICIPAL SOCIAL SERVICES DEPARTMENTS, BE REQUIRED TO FURNISH THE FUNDING MUNICIPALITIES' COUNCILS WITH SUCH INFORMATION IN RESPECT OF THE CHILDREN'S AID SOCIETY, AT SUCH TIMES, AND IN SUCH FORM, AS THE COUNCILS MAY REQUIRE.**

AMO Position

The Association supports this recommendation.

The Association believes that municipalities which provide operating funds to children's aid societies have a right to any and all information with respect to the operation of children's aid societies. For the most part, councils will likely request and require financial information impacting upon county budgets or information which may be of use to their social services departments.

POLICE VILLAGES

28. **TOWNSHIPS BE PERMITTED TO APPLY TO THE ONTARIO MUNICIPAL BOARD FOR DISSOLUTION OF POLICE VILLAGES WITHIN THEIR JURISDICTION.**

AMO Position

The Association supports amending the Municipal Act to permit townships to apply to the Ontario Municipal Board for dissolution of police villages within their jurisdiction.

The Association recognizes the fact that police villages, given their limited authority and tax collection abilities are perhaps, outdated jurisdictional structures within Ontario. While the Association feels that the operation of some police villages may continue to be viable, the Association supports the removal of obstructions to dissolving police villages. Where there is an agreement to dissolve a police village, an appropriate process should exist for doing so.

V. WASTE MANAGEMENT

29. **COUNTIES BE PROVIDED WITH PERMISSIVE AUTHORITY TO ASSUME ANY ASPECT OF WASTE MANAGEMENT RESPONSIBILITY WHERE THERE IS A TWO-THIRDS VOTE OF THE COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES;**

A) **ONE OR MORE LOCAL MUNICIPALITIES MAY BE EXEMPTED FROM THE COUNTY'S JURISDICTION AND LEVY FOR THE SERVICE IF THERE IS A TWO-THIRDS VOTE OF THE COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES IN FAVOUR OF THE EXEMPTION;**

B) **THE COUNTY HAVE AUTHORITY TO ENTER INTO AGREEMENTS WITH ANY OTHER MUNICIPALITIES FOR WASTE MANAGEMENT;**

C) **THE PROVINCE SET UP A MECHANISM TO ASSIST LOCAL MUNICIPALITIES AND COUNTIES TO ARRIVE AT THE TERMS AND CONDITIONS FOR TRANSFERRING ASSETS AND LIABILITIES RELATED TO A WASTE MANAGEMENT FUNCTION WHICH IS BEING ASSUMED BY A COUNTY;**

D) **THE PROVINCE PROVIDE START-UP TECHNICAL AND FINANCIAL ASSISTANCE TO COUNTIES WHO ASSUME A WASTE MANAGEMENT RESPONSIBILITY.**

AMO Position

The Association is supportive of this recommendation as amended to read as follows:

Counties be provided with permissive authority to assume any aspect of waste management responsibility where there is a two-thirds vote of county council representing a majority of the local municipalities;

Notwithstanding the above, in such cases where there is a local or a separated municipality located within the boundaries of the county, with a significant amount of space remaining in its landfill site, counties be provided with permissive authority to assume, on a contractual basis with that municipality, any aspect of waste management responsibility where there is a two thirds vote of the county council representing a majority of the local municipalities;

a) **One or more local municipalities may be exempted from the county's jurisdiction and levy for the service if there is a two-thirds vote of the county council representing a majority of the local municipalities in favour of the exemption;**

b) **The county have authority to enter into agreements with any other municipalities for waste management;**

c) **The province set up a mechanism to assist local municipalities and counties to arrive at the terms and conditions for transferring assets and liabilities related to a waste management function which is being assumed by a county;**

d) **The province provide start-up technical and financial assistance to counties who assume a waste management responsibility.**

The Association would suggest that responsibilities associated with waste management are responsibilities which gear themselves to the economies of scale offered by a county wide system. In AMO Report 83-17, Response to the Blueprint for Waste Management and, more recently, in a letter dated October 23, 1985, to the Honourable Bernard Grandmaitre, the Association recommended:

> That the Municipal Act be amended to provide counties with the authority to undertake studies related to waste management and the establishment of waste management systems.
>
> That the Municipal Act be amended to permit counties to implement collection and/or disposal systems without the unanimous consent or participation of all local municipalities within the county and to ensure that the capital and operating costs of county waste management systems are shared by those local municipalities participating in the system.

In addition, the Association is currently involved in preparing an extensive policy report on the subject of waste management. Given the many detailed components of this particular subject, it will not be addressed at length in this

report. However, the Association would stress its support for counties to opt into waste management based on a two-thirds vote of county council representing a majority of the local municipalities.

However, the Association has concerns in those situations where a local municipality or perhaps a separated municipality, may have adequate landfill site space for the foreseeable future and, the county, opts into providing waste management services. The local municipal landfill may be forced to accept county waste for a period of time. In order to avoid any injustices that may result from county assumption of waste management services, the Association is of the view that, in such cases, local municipalities with this asset should enter into an agreement with the county on a contractual basis. A contract arrangement, for those municipalities who have gone through the expense of establishing long range waste management plans and with an existing site with sufficient capacity, will serve to avoid potential difficulties. The establishment of a contract arrangement in such cases may also avoid subsequent appeals to the Ontario Municipal Board.

The component sub-sections of recommendation 29 are viewed as being logical provisions to allow for flexibility in individual situations. Indeed, each county which opts into the provision of waste management services will obviously require individual analysis in terms of preferred methods of going through the transitional stages of transferring responsibility from local municipalities to the county.

VI. FINANCIAL ISSUES

30. COUNTIES AND THEIR CONSTITUENT LOCAL MUNICIPALITIES UNDERTAKE A COUNTY-WIDE REASSESSMENT BY PROPERTY CLASS.

AMO Position

The Association strongly agrees with the rationale behind this recommendation and would support the recommendation as amended as follows:

That upon a two-thirds vote of county council representing a majority of the local municipalities, that counties and their constituent local municipalities may undertake a county wide reassessment either by property class (section 63) or by market value (section 70.)

The Association, in a 1986 AMO Report on "Taxing Matters", recommended that the province set as a goal the establishment of Section 63 reassessments (unless otherwise replaced by market value Section 70 reassessments) in all of Ontario's municipalities, regions and counties by the end of 1988. As pointed out in the report of the Advisory Committee on County Government, "both approaches to reassessment have served to substantially improve the fairness of the property tax system by utilizing more consistent, objective standards and by also improv-

ing the ratepayers' understanding of their taxes relative to the taxes paid by others in the same local municipality.

31. **THE MUNICIPAL ACT BE AMENDED SO THAT THE AMOUNTS REQUIRED TO BE PROVIDED BY EACH MUNICIPALITY TO THE COUNTY SHALL BE PAID IN THE FOLLOWING INSTALLMENTS:**

A) 25 PER CENT OF THE AMOUNT REQUIRED FOR COUNTY PURPOSES IN THE PRIOR YEAR, ON OR BEFORE THE 31ST DAY OF MARCH;

B) 50 PER CENT OF THE AMOUNT REQUIRED FOR COUNTY PURPOSES IN THE CURRENT YEAR, LESS THE AMOUNT OF THE INSTALLMENT PAID UNDER PARAGRAPH A, ON OR BEFORE THE 30TH DAY OF JUNE;

C) 25 PER CENT OF SUCH CURRENT AMOUNT ON OR BEFORE THE 30TH DAY OF SEPTEMBER;

D) 25 PER CENT OF SUCH CURRENT AMOUNT ON OR BEFORE THE 15TH DAY OF DECEMBER.

AMO Position

The Association supports this recommendation.

The current provisions of the Municipal Act permit counties, by legal agreement with a majority of the municipalities representing two-thirds of the equalized assessment in the county, to provide the above percentage installments to be paid to the county.

Given that most local municipalities collect tax bills on an installment basis, and given that counties will need to improve their cash flow especially if they opt into the provision of more services, the Association agrees that counties should be able to request installments from local municipalities without being required to establish a legal agreement.

32. **THE MUNICIPAL ACT BE AMENDED SO THAT A BY-LAW MAY BE ADOPTED BY A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES, TO PROVIDE ALTERNATE PERCENTAGE AMOUNTS AND DUE DATES.**

AMO Position

The Association supports allowing counties, on a two-thirds vote of county council representing a majority of local municipalities, to establish alternate percentage amounts and due dates.

The Association is in agreement with the philosophy discussed in the Report of the Advisory Committee on County Government, that being that county councils should be given the authority to alter the established prescribed percentage amounts and dates, given that the current provisions may not satisfy the requirements of all counties.

33. **THE MUNICIPAL ACT BE AMENDED TO ALLOW COUNTIES TO ISSUE THE SAME TYPES OF DEBENTURES AS LOCAL MUNICIPALITIES.**

AMO Position

The Association supports this recommendation which increases the financing options of county systems on the condition that the debt capacity and quota of the local municipalities are not affected.

The Association recognizes the current ability of counties to issue debentures for their own needs and, on behalf of their local municipalities, should they request such assistance. However, the Association would question the lack of authority for counties to issue certain types of debentures which can be issued by local municipalities, ie. extendable, retractable, refundable, instalment and sinking fund debentures.

If counties are to be given permissive authority to enter into the provision of additional services, some of which are currently provided on the local municipal level, then counties should be able to make use of financing arrangements which are currently made use of by local municipalities as well.

The Association is supportive of such a change provided that local municipalities within the county system are not affected in terms of their individual quotas and debt capacities.

34. **THE PUBLIC LIBRARIES ACT BE AMENDED TO PROVIDE COUNTIES WITH THE AUTHORITY TO ISSUE DEBENTURES ON BEHALF OF COUNTY LIBRARY BOARDS FOR CAPITAL EXPENDITURE PURPOSES.**

AMO Position

The Association supports this recommendation.

Given that local municipalities currently have the authority to issue debentures on behalf of library boards for various library related purposes, the Association does not agree with the current regulations which prohibit counties from issuing similar debentures, given that counties are providing a similar service.

If counties are expected to provide library services similar to those provided by municipalities, they should have the same financing options at their disposal.

35. **THE MINISTRY OF TRANSPORTATION REVIEW AND CONSIDER CHANGING THE COMPULSORY CONTRIBUTION BY THE COUNTY FOR ROAD PURPOSES IN URBAN MUNICIPALITIES, PARTICULARLY WITH REGARD TO TOWNSHIPS WHICH CHANGE STATUS.**

AMO Position

The Association supports this recommendation.

Currently, counties are required to contribute towards construction and maintenance of local roads in their constituent municipalities which participate in the county road system. The Association is in agreement with the Report of the Advisory Committee on County Government that townships which upgrade their status to towns or villages could cause increased costs to the county's road system and could make the current 25 to 50 percent rebate excessive in such cases.

36. **WHEN A SERVICE IS TRANSFERRED FROM LOCAL MUNICIPAL PROVISION TO COUNTY ADMINISTRATION, OR VICE VERSA, THE COUNTY AND THE MUNICIPALITIES CONCERNED MAY APPOINT A COMMITTEE OF ARBITRATORS FOR THE PURPOSE OF DETERMINING THE DISPOSITION OF THE ASSETS AND LIABILITIES, INCLUDING RESERVE FUNDS OF THE MUNICIPALITIES CONCERNED, AND;**

A) **THE COMMITTEE SHALL CONSIST OF THE TREASURERS OF THE COUNTY AND THE MUNICIPALITIES CONCERNED AND SUCH OTHER PERSON OR PERSONS THAT THE COUNTY AND THE MUNICIPALITIES CONCERNED AGREE TO APPOINT;**

B) **THE COMMITTEE SHALL MAKE A FINAL DETERMINATION OF THE DISPOSITION OF ASSETS, LIABILITIES AND RESERVE FUNDS, TOGETHER WITH DETERMINATIONS OF ANY FINANCIAL ADJUSTMENTS WHICH MAY BE NECESSARY;**

C) **THE FINAL DETERMINATION MADE BY THE COMMITTEE SHALL BE FORWARDED TO THE COUNTY AND THE MUNICIPALITIES DIRECTLY CONCERNED AND TO THE ONTARIO MUNICIPAL BOARD;**

D) **THE COUNTY OR ANY OF THE CONCERNED MUNICIPALITIES MAY APPLY TO THE ONTARIO MUNICIPAL BOARD TO APPEAL THE DETERMINATION BY THE COMMITTEE OF ARBITRATORS, AND THE DECISION OF THE ONTARIO MUNICIPAL BOARD WOULD BE FINAL.**

AMO Position

The Association agrees with the dispute settlement mechanism as outlined in the recommendation.

The Association recognizes that transfers of service from local jurisdiction to county jurisdiction may lead to disputes between the municipal structures involved. The need to establish a dispute settling mechanism is obvious given the number of local municipalities and the likelihood of disagreement, however minor, on at least part of the transfer of responsibility.

The Association agrees with the dispute settling mechanism outlined in this recommendation. There is great value to appointing a committee of non-elected arbitrators consisting of the treasurers of the affected municipalities, given that most determinations will be related to financial items which will require settlement. In addition, the Ontario Municipal Board should act as the final arbitrator should any of the affected municipalities appeal the committees' decision.

VII. CONCLUSIONS

It is recognized by the various Sections of the Association that the role of county government within the municipal environment is in some need of reform. The degree to which changes are made and the uniformity of these changes have been the subject of great discussion.

There appears to be unanimous recognition that representation on county council needs to be altered in such a way so as to approach, more closely, some form of representation by population. By so doing, representation by constituent municipalities will move more closely towards matching assessment and funding levels to voting power at county council.

For the most part, the provision of services at the county level should be as flexible as possible in order to accommodate the vast differences in composition and population which exist between the vastly different counties in Ontario. The Report of the Advisory Committee on County Government recognized this need for flexibility in recommending permissive authority for the provision of services on a county wide basis.

The Association would urge the Ministry of Municipal Affairs to give serious consideration to the positions contained within this report and would request the opportunity to respond to the recommendations of the County Government Reform Consultation Committee, once it has completed its work. The Association is of the view that by working together, AMO and the Ministry of Municipal Affairs can achieve a strong and effective system of county government in Ontario.

"APPENDIX A"

MINORITY REPORT OF THE COUNTY AND REGIONAL SECTION OF AMO

RECOMMENDATION 2

THE MUNICIPAL ACT BE AMENDED TO SPECIFY THAT ALL HEADS OF COUNCIL BE MEMBERS OF COUNTY COUNCIL.

The County and Regional Section Executive Committee is strongly supportive of Recommendation 2 of the Advisory Committee on County Government as written.

The Section is of the view that all heads of local councils should serve at the county council level in order to recognize the importance of county council in terms of area wide decision making. The Section Executive Committee recognizes the impact of the increased workload on some mayors but, at the same time, recognizes that many rural townships have larger populations than some towns and there does not seem to be a difficulty in terms of the time constraints on the head of rural municipal councils. In addition, the Section is supportive of alternatives suggested in the Report of the Advisory Committee with respect to increased remuneration and a greater amount of delegation of duties.

The Section is also of the view that only by mandating the heads of all local councils to serve on county council, will the electorate be aware of which local representative will serve at the county level. With the heads of all local municipalities required to serve at the county level, the public will have a clearer understanding of the relationship between local and county councils.

RECOMMENDATION 10

NOTWITHSTANDING 9(A), COUNTY COUNCIL MAY ADOPT 5,000 ELECTORS, OR 7,500 ELECTORS, OR 10,000 ELECTORS AS THE BASE FOR ENTITLEMENT TO A SECOND COUNTY COUNCIL REPRESENTATIVE OR A SECOND VOTE, AND WILL USE MULTIPLES OF THE BASE NUMBER OF ELECTORS TO DETERMINE ENTITLEMENT TO ADDITIONAL COUNTY COUNCIL REPRESENTATIVES AND/OR ADDITIONAL VOTES.

The County and Regional Section Executive Committee is supportive of this recommendation of the Advisory Committee on County Government.

The Section Executive Committee recognizes that allowing county council to adopt higher levels of electors for entitlement to a second representative will allow for the greatest amount of flexibility in order to meet the many differing population levels which exist in counties around Ontario.

RECOMMENDATION 13

COUNTIES BE PROVIDED WITH PERMISSIVE AUTHORITY TO ASSUME ANY LOCAL MUNICIPAL FUNCTION THE COUNTY DOES NOT CURRENTLY PERFORM, OR DISCONTINUE PROVIDING A DISCRETIONARY SERVICE THEY DO PERFORM, WHERE THERE IS A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES; AND THAT

A) IF COUNTY COUNCIL APPROVES ASSUMPTION OF RESPONSIBILITY FOR A SERVICE, THAT ALL LOCAL MUNICIPALITIES SHALL PAY THEIR SHARE OF THE COUNTY LEVY FOR THAT SERVICE.

B) NOTWITHSTANDING 13(A), ONE OR MORE LOCAL MUNICIPALITIES MAY BE EXEMPTED FROM THE COUNTY'S JURISDICTION AND LEVY FOR THE SERVICE IF THERE IS A TWO-THIRDS VOTE OF THE COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES.

The County and Regional Section Executive Committee is supportive of this recommendation, as written in the Report of the Advisory Committee on County Government as amended by adding clause (c) as proposed in the AMO response, only.

The Section is of the view that requiring a two-thirds vote of county council before a county assumes a particular service is greater than a simple majority and provides adequate assurance that the service is desired by the whole county. The Section does not recognize a need for a contract arrangement in terms of the transfer of services to the upper tier level. The Section is of the view that the exemption provision outlined in 13(B) provides adequate assurance that a local municipality will not be forced to reluctantly surrender a service already adequately provided at the local level.

"APPENDIX B"

MINORITY REPORT
OF THE
LARGE URBAN SECTION OF AMO

RECOMMENDATION 1

THE MINISTER CONDUCT A REVIEW OF VERY SMALL MUNICIPALITIES AND SEPARATED MUNICIPALITIES.

The Large Urban Section Executive Committee of AMO is supportive of the undertaking of such a review and feels strongly that such a review needs to be undertaken as an integral part of the entire report. The Large Urban Section is in complete agreement with the Small Urban Section (OSUM) in that, in order to examine representation and functions with respect to county government, a review of small and separated municipalities is essential.

"APPENDIX C"

**MINORITY REPORT
OF THE
RURAL SECTION (ROMA) OF AMO**

RECOMMENDATION 10

NOTWITHSTANDING 9(A), COUNTY COUNCIL MAY ADOPT 5,000 ELECTORS, OR 7,500 ELECTORS, OR 10,000 ELECTORS AS THE BASE FOR ENTITLEMENT TO A SECOND COUNTY COUNCIL REPRESENTATIVE OR A SECOND VOTE, AND WILL USE MULTIPLES OF THE BASE NUMBER OF ELECTORS TO DETERMINE ENTITLEMENT TO ADDITIONAL COUNTY COUNCIL REPRESENTATIVES AND/OR ADDITIONAL VOTES

The Rural Section (ROMA) Executive Committee is supportive of this recommendation of the Advisory Committee on County Government.

The Section Executive Committee recognizes that allowing county council to adopt higher levels of electors for entitlement to a second representative will allow for the greatest amount of flexibility in order to meet the many differing population levels which exist in counties around Ontario.

RECOMMENDATION 13

COUNTIES BE PROVIDED WITH PERMISSIVE AUTHORITY TO ASSUME ANY LOCAL MUNICIPAL FUNCTION THE COUNTY DOES NOT CURRENTLY PERFORM, OR DISCONTINUE PROVIDING A DISCRETIONARY SERVICE THEY DO PERFORM, WHERE THERE IS A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES; AND THAT

A) IF COUNTY COUNCIL APPROVES ASSUMPTION OF RESPONSIBILITY FOR A SERVICE, THAT ALL LOCAL MUNICIPALITIES SHALL PAY THEIR SHARE OF THE COUNTY LEVY FOR THAT SERVICE.

B) NOTWITHSTANDING 13(A), ONE OR MORE LOCAL MUNICIPALITIES MAY BE EXEMPTED FROM THE COUNTY'S JURISDICTION AND LEVY FOR THE SERVICE IF THERE IS A TWO-THIRDS VOTE OF THE COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES.

The Rural Section (ROMA) Executive Committee supports the recommendation as written, with the addition of clause (c) as proposed in the text of the AMO response. However, the Section takes issue with the requirement of a contract arrangement as proposed in the AMO response position. The Section is in full agreement with the County and Regional Section that a two-thirds vote of county council provides adequate

assurances that the service is strongly desired at the county level. With the insertion of clause (c)as proposed, to request assistance in terms of transferring assets, etc., the Section views the issuance of a contract as redundant.

"APPENDIX D"

MINORITY REPORT
OF THE
SMALL URBAN SECTION (OSUM) OF AMO

RECOMMENDATION 1

THE MINISTER CONDUCT A REVIEW OF VERY SMALL MUNICIPALITIES AND SEPARATED MUNICIPALITIES.

The Small Urban Section (OSUM) Executive Committee is strongly supportive of such a review and is of the opinion that such a review is vital in terms of addressing both the representation and functions parts of the report. For this reason, this recommendation should be considered as an integral part of the entire report.

RECOMMENDATION 3

THE POSITIONS OF REEVE AND DEPUTY REEVE BE ABOLISHED IN TOWNS, AND THAT WHERE A TOWN IS ENTITLED TO AN ADDITIONAL COUNTY COUNCIL REPRESENTATIVE, THE POSITION BE ENTITLED "LOCAL/COUNTY COUNCILLOR".

The Small Urban Section Executive Committee would recommend adoption of this recommendation as amended to read that:

"The position of reeve and deputy reeve be abolished".

The Section is of the view that the title "local/county councillor" is a cumbersome title which is difficult to understand. The Section did not feel that there necessarily needed to be a title for the county council representative.

RECOMMENDATION 4(B)

THE TITLES OF REEVE AND DEPUTY REEVE BE ELIMINATED FROM THE ACT; AND WHERE THE MUNICIPALITY QUALIFIES FOR AN ADDITIONAL COUNTY COUNCIL MEMBER, THAT POSITION HAVE THE TITLE OF LOCAL/COUNTY COUNCILLOR;

The Small Urban Section would recommend adoption of 4(B) as amended to read:

"The titles of reeve and deputy reeve be eliminated from the Act".

This serves to remove the reference to local/county councillor for the same rationale as #3, that being that the title "local/county councillor" is difficult to understand.

RECOMMENDATION 9

THE MUNICIPAL ACT BE AMENDED TO PROVIDE FOR COUNTY COUNCIL COMPOSITION AND REPRESENTATION AS FOLLOWS:

COUNTY COUNCIL WILL BE COMPOSED OF THE HEADS OF COUNCIL OF ALL LOCAL MUNICIPALITIES, NOT BEING SEPARATED MUNICIPALITIES, OF THE COUNTY, AND;

A) A LOCAL MUNICIPALITY MUST HAVE AT LEAST 2,500 ELECTORS FOR ENTITLEMENT TO A SECOND COUNTY COUNCILLOR OR A SECOND VOTE, AND WILL USE MULTIPLES OF 2,500 TO DETERMINE ENTITLEMENT TO ADDITIONAL COUNTY COUNCIL REPRESENTATIVES AND/OR ADDITIONAL VOTES.

The Small Urban Section Executive Committee would recommend the following:

County council will be composed of the heads of council, or a designated member of council, of all local municipalities, not being separated municipalities of the county and, (A) a local municipality must have at least 2500 electors for entitlement to a second county councillor, and will use multiples of one thousand to determine entitlement to additional votes.

The Section felt that while the base of 2500 is beneficial, using multiples of 1000 electors for additional votes more directly reflects the principle of representation by population than higher numbers such as 2500. Due to the fact that representation by population is felt to be the most democratic form of representation available, the Section believes that using multiples of 1,000 electors beyond the second county representative, will result in a closer and more direct relationship between the size of local municipalities, their assessment contribution and their voting power at the county council level.

RECOMMENDATION 25

COUNTIES BE PERMITTED TO ASSUME THE RESPONSIBILITIES OF CHILDREN'S AID SOCIETIES AND INTEGRATE THESE RESPONSIBILITIES WITH COUNTY SOCIAL SERVICES.

The Small Urban Section (OSUM) Executive Committee does not endorse this recommendation on the basis that childrens services are a very serious social issue which should be managed by a body of people who clearly understand the special significance and need for such services. The Section would question whether or not municipal councils are the most appropriate body to control such services.

The Small Urban Section Executive Committee does not endorse this recommendation for similar reasons as stated in recommendation 25.

RECOMMENDATION 35

THE MINISTRY OF TRANSPORTATION REVIEW AND CONSIDER CHANGING THE COMPULSORY CONTRIBUTION BY THE COUNTY FOR ROAD PURPOSES IN URBAN MUNICIPALITIES, PARTICULARLY WITH REGARD TO TOWNSHIPS WHICH CHANGE STATUS.

The Small Urban Section Executive Committee does not endorse this recommendation on the basis that urban municipalities could be left without sufficient road funding. Given the current lack of funding available to adequately address municipal road needs, the

Section cannot support any proposal which would have the effect of causing further reduction in roads funding.

"APPENDIX E"

JOINT SECTION COMMITTEE ON COUNTY GOVERNMENT

Members	Section Interest
Mr. Peter Atcheson Director of Planning City of Brantford	Large Urban
Mr. Michael Bradley Alderman City of Sarnia	Large Urban
Mr. Tom Cunningham Reeve Township of Hullett	Rural (ROMA)
Mr. Bill Mickle Reeve Town of Exeter	Small Urban (OSUM)
Mr. Jack Morris Councillor County of Essex	County and Regional
Mr. John Newton Reeve Township of Mulmur	Rural (ROMA)
Mr. Bob Seguin Councillor County of Renfrew	County and Regional
Mr. Bill Wyatt Mayor Town of Port Hope	Small Urban (OSUM)

Resource

Mark Emery, Manager of Section Services, AMO

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86-4 Response to Ministry of Housing's Guidelines for the Redistribution of Funds under the Ontario Home Renewal Program
86-5 Report on Amendments to the Planning Act, 1983/Addendum to AMO Report 86-5
86-6 AMO Submission to Provincial Premier and Executive Council of Ontario
86-7 Response to Provincial Government Discussion Paper on "Pay Equity"
86-8 Response to the Preliminary Report of the Advisory Committee on Municipal Liability Insurance
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86-16 Response to Ontario Right to Farm Advisory Committee's Report

87-1 A Proposed Model of Collective Bargaining and Required Amendments for the Fire Departments Act ($10.00)
87-2 Response to the Final Report of the Advisory Committee to the Minister of Municipal Affairs on Municipal Liability Insurance in Ontario
87-3 Response to the 1986 Draft on Flood Plain Planning Policy Statement
87-4 Response to the Rental Housing Protection Act
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87-7 Recommendations on the Pay Equity Act ($10.00)
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